

By Fax and Mail

December 3, 2007

Ian A. Bowles, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Holly Johnson, MEPA Office

***Re: Re: Environmental Notification Form, Stone Ridge, Milford, MA,
EOEEA No. 14127***

Dear Secretary Bowles:

The Charles River Watershed Association (CRWA) submits the following comments on the Environmental Notification Form (ENF) for the above-referenced project. Julie Wood of my office also attended the MEPA site visit last week. The project as currently proposed will alter over 44 acres of wooded land, result in 25 acres of new imperviousness, create over 2000 surface parking spaces, generate 5470 new vehicle trips per day, result in a take under the MA Endangered Species Act, require a bridge crossing of the Charles River, alter riverfront area and fill wetlands. Needless to say CRWA has numerous concerns about this project. In our opinion, this is one of the least environmentally-sensitive projects we have reviewed -- out of the dozens that we review annually. Without significant revisions to the site plan and project configuration, it cannot be said that the project has avoided, minimized or mitigated damage to the environment to the greatest extent practicable.

Alternatives Analysis

An indepth alternatives analysis is required —one that looks at alternative layouts and reduced build alternatives. We ask you to scope a comprehensive alternatives analysis that examines and compares the environmental impacts of various reduced build-out alternatives with site layouts in which the buildings are closer together and Building Four is moved away from the wetlands, Wildcat Pond and the river (or eliminated entirely). This would result in less habitat fragmentation and improved open space. Alternatives that drastically reduce the parking spaces, which ring each of the buildings, should be studied. Structured parking and below grade parking should be included in the alternatives analysis to reduce the site's imperviousness and stormwater runoff. This would also free up space to accommodate closer spacing of the buildings.

Stormwater

The goal of the stormwater management system should be to reduce impervious surfaces, maximize the time of concentration of flows (for example by providing small source control areas and long flow paths), utilize treatment approaches that will remove

nutrients and reduce heating (such as bioretention/biofiltration with underdrains, swales, green roofs, and stormwater planters) and provide landscape designs that will maximize water uptake and provide shade.

The DEIR should fully characterize existing conditions, drainage patterns, and the quantity and quality of flows, including an analysis of 10, 25, and 100-year storm events. Both pre and post construction drainage calculations should be provided. The DEIR should contain a detailed discussion of the stormwater management system, alternatives to it, and an operation and maintenance (O&M) plan. Parking lots with over 1000 trips per day are considered a “high intensity use” by DEP and will be subject to the groundwater discharge regulations soon-to-be-issued for public comment by DEP as an activity with a higher pollutant load.

We note that the Total Maximum Daily Load (TMDL) for nutrients recently issued by U.S. EPA and DEP documents that phosphorous loadings to the river are directly causing or contributing to the eutrophication and excessive algal blooms in the Lower Charles River -- including the very severe toxic algal bloom in the downstream portion the river that first appeared last year and reappeared this summer. Pursuant to the TMDL, phosphorous loading needs to be reduced by 54% across the watershed to comply with water quality standards.

Stormwater (from both overland and piped drainage systems) is a major contributor of phosphorous loading to the river. According to the TMDL, phosphorous loadings from sites such as this one need to be reduced by 65% on an annual basis to achieve water quality standards. The proponent should discuss how it intends to meet the TMDL’s 65% phosphorous removal requirement.

While the proponent commits to compliance with the MassDEP Stormwater Standards (Standards) and to achieving 80% removal of total suspended solids, it will need to go beyond compliance with the Standards in order to comply with the nutrient TMDL. The project’s current stormwater design appears to use a conventional “hard” engineering approach, with large impervious areas directly connected to a piped collection system, concentrating flows rapidly and conveying them to detention basins. It is important to note that semi-annual pavement sweeping, and maintenance of catch basins and Stormceptor systems will do little to mitigate the increased volume of stormwater generated from this site, to reduce pollutants such as nutrients, or to reduce thermal loading.

Much should be done to improve stormwater management on this site. The proponent should analyze the use of green roofs and other low impact development techniques. For example, biofiltering islands could be used in surface parking areas fitted with underdrains; stormwater planters could be constructed to collect runoff; and swales could be constructed to treat runoff prior to releasing it.

We also recommend a number of operational programs to improve water quality and reduce pollutant loadings from this site. Because phosphorus is a byproduct of

gasoline combustion, parking lots and roadways are a significant source of phosphorus. Weekly sweeping of parking lots and road areas with high efficiency vacuum sweepers is an effective way to reduce pollutants including phosphorus. Detention basins require an aggressive maintenance plan.

An O&M plan that includes snow removal and sanding should be included in the DEIR and the proponent should be required to record a post-construction O&M plan in the Registry of Deeds. Snow should not be stored within 100 feet of wetlands, streams including intermittent streams, or lands subject to flooding. Calcium chloride (CaCl) and sodium chloride (NaCl) should not be used for deicing.

Wetlands, Habitat and Open Space

The DEIR should fully describe the wetland system on the site. It should clearly identify and discuss the work proposed in the Riverfront area and all potential impacts. According to the ENF, two acres of riverfront area will be altered, 470 s.f. of land under water and 2,730 s.f. of bordering land subject to flooding. Alternative layouts, including a reduced build that will lessen the impacts on the site's wetland resources, should be analyzed.

The Charles River crossing and stream crossing should be described in full and their impacts analyzed. A site map showing the wetland resource delineations overlaid with the proposed development should be included in the DEIR. CRWA is concerned about the continued functionality of the wetland between proposed Buildings 1 and 2. The DEIR should discuss this and the stormwater runoff from the impervious surfaces that are proposed to ring this wetland. The DEIR should also discuss the wetlands to be filled and proposed replication. The buffer zone should be clearly identified and alternatives that would reduce the amount of buffer zone disturbance should be analyzed. The alternatives analysis should discuss the number of trees to be removed from the site and configurations to retain as many trees as possible.

The project will occupy Priority Habitat identified through the Natural Heritage and Endangered Species Program (NHESP) and result in a "take" of the wood turtle, a Species of Special Concern. The DEIR should fully characterize existing habitat conditions, inventory species of concern and thoroughly explore all alternatives that would minimize impacts to priority habitat, including a reduced build scenario that avoids priority habitat. A draft of the conservation permit should be included in the DEIR.

The proponent should commit to a conservation restriction on the project's open space which is held by the Milford conservation commission and a nonprofit conservation group/land trust. A draft of the conservation restriction should be included in the DEIR.

Water and Wastewater

While the upper Charles River is categorized as "medium stress" under the Water Resources Authority's *Stressed Basins* report, CRWA believes that this area of the

watershed is more accurately classified as high stress. This project will contribute to the net water deficit in the headwaters area. Upstream of the Milford Wastewater Treatment Plant (MWTP), the Charles River already has unnaturally low flows, in part due to the Milford Water Company's ground and surface water withdrawals and regional sewerage. Sewer inflow and infiltration (I/I), which is high in Milford, exacerbates the problem by transporting clean groundwater to the MWTP. A Charles River Target Fish Community assessment conducted by MA Division of Fisheries and Wildlife shows that the upper part of the watershed has a highly impacted fish community with a fish population that is pollution tolerant and more typical of a pond fish community than that of a flowing river.

The proponent should commit to effective water conservation measures to reduce water use for this project. The proponent should commit to installing high efficiency toilets and low water use appliances and to an effective water conservation program. The public water supply should not be used for irrigation: captured and stored rainwater should be the sole source of irrigation water; however with xeriscaping and use of drought-tolerant plants, the need to irrigate should be eliminated. Groomed lawn area is relatively impervious, requires fertilizer/pesticide applications and needs large quantities of water and therefore should be avoided. Because of the project's proximity to wetlands and priority habitat, it is important to develop a management plan that minimizes (or entirely eliminates) fertilizer and pesticide use.

Removal of inflow and infiltration in the Milford sewer system should be a mitigation commitment.

Transportation

Adding over 5,000 trips to this already highly-congested area will have significant impacts. The *cumulative* traffic and air impacts from this and other area projects (*i.e.*, EOE #s 13783 and 13668) should be analyzed. Mitigation and traffic demand management strategies are important here and these measures should be fully explored and discussed in the DEIR. Since the project will require a MHD access permit, the DEIR should discuss how it will comply with the MEPA Greenhouse Gas Policy. Public transportation links should be identified and the proponent should commit to on-site food services and other amenities that would reduce mid-day vehicle trips to and from the site.

Please feel free to call me at 781-788-0007, ext. 234 if you have any questions.

Very truly yours,

Margaret Van Deusen
Deputy Director and General Counsel

cc: Milford Planning Board
Milford Conservation Commission
MassDEP
Henry Papuga, Milford water Company